

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GRACE M. DERR, *et al.*,

Plaintiffs,

v.

NORTHUMBERLAND COUNTY  
CHILDREN AND YOUTH  
SERVICES, *et al.*,

Defendants.

No. 4:19-CV-00215

(Judge Brann)

(Magistrate Judge Arbuckle)

**ORDER**

**NOVEMBER 20, 2019**

Grace M. Derr, William J. Derr, and Stephen A. Derr filed this civil rights complaint alleging that several individuals and entities violated their rights.<sup>1</sup> On October 23, 2019, Magistrate Judge William I. Arbuckle issued two Reports and Recommendations recommending that this Court deem unopposed two motions to dismiss or, alternatively, dismiss the complaint with prejudice for failure to prosecute.<sup>2</sup> No timely objections were filed to these Reports and Recommendations.

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<sup>1</sup> Doc. 3.

<sup>2</sup> Docs. 31, 32.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>3</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>4</sup> Upon review of the record, the Court finds no clear error in Magistrate Judge Arbuckle’s conclusion that the relevant factors set forth in *Poulis v. State Farm Fire & Cas. Co.*<sup>5</sup> militate in favor of dismissing the complaint for failure to prosecute. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Reports and Recommendations (Docs. 31, 32) are **ADOPTED**;
2. Defendants’ motions to dismiss (Docs. 21, 23) are **DENIED** as moot;
3. Plaintiffs’ complaint (Doc. 3) is **DISMISSED** with prejudice; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge

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<sup>3</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

<sup>5</sup> 747 F.2d 863, 868 (3d Cir. 1984).